

Reply under 37 CFR 1.116 - Expedited
Procedure -Technology Center 2879

REMARKS

In the outstanding Official Action, claims 1-3 were rejected under 35 USC 102(e) as being anticipated by Tyan et al, for the reasons of record. In response, this rejection is respectfully traversed, as it is submitted that the reference does in fact not anticipate the instant invention for the reasons detailed below.

More specifically, it is suggested in the Action that Fig. 4c, showing device 104c teaches all of the recited limitations of the claims. However, it is recognized in the Action that whereas the claims specifically recite that the electroluminescent layer is directly on the anode electrode, the reference clearly teaches a distinguishable structure in which a spacer 20 is provided between the electroluminescent layer and the anode, as clearly shown in Fig. 4c.

Nevertheless it is suggested that this clear deficiency is overcome because another portion of the reference teaches that the spacer may have a thickness of 0, thus resulting in the electroluminescent layer being in direct contact with the anode.

However, a careful reading of the cited portions of the specification (paragraphs ([0044]-[0045])) will reveal that the teachings regarding the thickness of the transparent conductive spacer layer 20 relate specifically and expressly to a different device, namely device 103a. An examination of device 103a, as

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Procedure -Technology Center 2879

shown in Fig. 3a, reveals that this is a substantially different device, not having the transparent dielectric layers of alternating high and low refractive index as expressly recited in independent claim 1. On the other hand, with reference to the more-similar embodiment shown in Fig. 4c of the reference, which is the structure actually applied in the rejection, it is clearly taught that the transparent conductive spacer layer 20 is present in that embodiment, in which it is expressly stated that the thickness of all the layers was optimized. Thus, the clear conclusion to be drawn from the actual teachings of the reference is that in the prior-art embodiment similar to that of the instant invention a transparent conductive spacer layer 20 is provided and is necessary to achieve optimization. Nowhere does the reference show or suggest that this transparent conductive spacer layer can or should be eliminated in the cited embodiment.

In view of the foregoing remarks, it is respectfully submitted that the currently-pending claims are clearly patentably distinguishable over the cited and applied reference.

Reply under 37 CFR 1.116 - Expedited
Procedure -Technology Center 2879

Accordingly, entry of this Amendment, reconsideration of this rejection of the claims and allowance of this application are earnestly solicited.

Respectfully submitted,

By 

Steven R. Biren, Reg. No. 26,531
(914) 333-9631
June 4, 2007